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June 3, 1993

Mr. Mark Messersmith
Emergency Support Section
USEPA - HSE-5J
77 West Jackson Boulevard
Chicago, IL 60604

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the Tyler Avenue Dump Site, Toledo, Ohio

Dear Mr. Messersmith:

Attached hereto is the response of the City of Toledo to the USEPA's April 14, 1993 CERCLA § 104(e) request for information.

The information provided in response to the USEPA's request is the result of the City's efforts to gather and assimilate as much information on the Tyler Site as possible in a very short period of time. Further investigation will be necessary to identify relevant information relating to the Tyler Site. The City has responded to the request based upon information within its control. Records pertaining to many of the matters requested do not exist; hence, specific detailed responses are often impossible. Moreover, the broad scope of some requests make thorough responses difficult. However, some of the information sought by these requests may be derived or ascertained from documents which the City will produce for inspection upon reasonable notice from the USEPA. Due to the press of time and the number of documents being gathered from various City departments and divisions, the City objects to separately identifying each of these documents, but will produce these records and afford the Agency a reasonable opportunity to examine and copy these records. The City objects to these requests to the extent that they seek privileged information or documents which are protected by the attorney-client privilege or the work-product doctrine.

As a government entity with duties and interests in protecting the environment and the health, safety, and welfare of its citizens, the City remains committed to cooperate with the USEPA regarding the Tyler Site. Toward that end, the City of Toledo would like to discuss with representatives of the USEPA a framework whereby we could work cooperatively to review USEPA testing data regarding the Site and to identify the response

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measures which may be necessary at the Tyler Site, as well as the parties responsible for the disposal of hazardous substances at Tyler. If you have any questions regarding the information contained in this response, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Stephen P. Calardo". The signature is written in dark ink and is positioned above the printed name.

Stephen P. Calardo

SPC:pt

Enclosure

cc: John D. Scouten, Esq.

**RESPONSE OF
THE CITY OF TOLEDO TO THE
APRIL 14, 1993 CERCLA § 104(e)
REQUEST FOR INFORMATION**

PRELIMINARY STATEMENT

The Tyler Site is located in the City of Toledo, Lucas County, Ohio. The entrance to the landfill is located at the end of Mabel Avenue which is located between Manhattan Boulevard and Sylvania Avenue and connects directly on the east side of Lagrange Street. It borders on the north side of the Ottawa River.

Industrial, commercial and municipal wastes were disposed of at the Site. The Site was used by the City of Toledo as a municipal landfill from approximately 1955 until it closed in 1968. Private firms and commercial haulers disposed of their wastes at the Site free of charge. It appears that the City only owns a small (1 acre) triangular, landlocked parcel of property in the area that comprised the Tyler Street Landfill. The remaining land that comprised Tyler is owned by the Port Lawrence Title & Trust Company (615 Madison Avenue, Toledo, Ohio 43604) and by Mark S. Gorney (2330 Broadway, Toledo, Ohio 43609). The Gorney and Port Lawrence parcels make up the majority of the Site. The Gorney property also now includes the property formerly operated as a fertilizer plant by Royster Company.

Municipal wastes, including putrescibles, garbage, and street sweepings from the City, were taken to the Site. Although regular use of the Site appears to have ended in 1968, it has been reported that among other wastes, junk vehicles, broken concrete, tires, and dirt have been and continue to be disposed of at the Site by the Gorney operations. In addition, it has been reported that in approximately 1989 and 1990, Ron Gorney

conducted grading activity on the Port Lawrence and Gorney parcels and had removed the final cover and exposed large areas of old refuse. Prior to these activities, the report noted that the Site had been covered by thick vegetation. Finally, the report stated that Gorney's grading activities were contributing to accumulations of water in standing surface impoundments and possibly leachate.

As is indicated in the following responses, it is apparent that many companies disposed of industrial waste at the Tyler Site. The private firms and commercial haulers that disposed of their waste free of charge at Tyler had superior knowledge regarding the nature and contents of their wastes and controlled the containerization, pretreatment, and disposal of their wastes at the Site. By virtue of their superior knowledge, control, and actions of depositing waste at the Site, these private firms and commercial haulers contributed to the construction and operation of the Site. The private firms which generated hazardous substances for disposal and the transporters of the hazardous substances had a duty to safely dispose of these substances consistent with their superior, and often exclusive, knowledge of the hazardous nature of the substances they generated or transported.

The City incorporates this Preliminary Statement into each of the following responses.

RESPONSES TO INFORMATION REQUESTS

1. The City has not had the opportunity to consult with everyone that likely has information regarding the Tyler Site. Nevertheless, the City contacted all City departments and divisions regarding any information and documents they might have

relating to the Tyler Site. In addition, the City contacted a number of the persons identified on Appendix A, Parts I - III, which lists past and present City employees and other persons who may have knowledge relating to the Tyler Site, as well as the nearby Dura Avenue Site and Stickney Avenue Site. Information learned from those individuals is incorporated in these responses. The City also attempted unsuccessfully to contact some of the persons listed on Appendix A who may have information relating to the Tyler Site.

2. Many documents have been examined in connection with the Tyler Site. In addition, many documents relating to the nearby Dura Avenue Landfill Site also contain information relating to the Tyler Site. Finally, the City continues to uncover new information on a continuous, although not consistent, basis. To identify each document would be overly burdensome. However, the City will produce its documents relating to the Site for the Agency's inspection upon reasonable notice.
3. The City has reason to believe that there are other persons that are able to provide more detailed or complete responses to information requests, including:

ACME QUALITY PAINTS
(Address Unknown)

BROWNING-FERRIS INDUSTRIES OF OHIO AND MICHIGAN, INC.
Successor in Interest To Community Sanitation Service, Inc. and Community Sanitation Service of Ohio and Michigan, Inc.
c/o CT Corporation System
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

CHRYSLER CORPORATION, Successor in Interest to Jeep Eagle Corporation, Successor in Interest to Jeep Corporation, Kaiser-Jeep Corporation, and Kaiser Manufacturing Corp. and Willys Corporation
c/o CT Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

DANA CORP.
Corporate Offices
4500 Dorr Street
Toledo, Ohio 43615

DOEHLER-JARVIS
500 North Detroit Avenue
Toledo, Ohio 43607

DURA CORP.
4500 North Detroit Avenue
P.O. Box 730
Toledo, Ohio 43695

E.I. DUPONT DE NEMOURS & COMPANY, INC.
c/o CT Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

GENCORP., INC.
d.b.a. Gencorp Polymer Products
Successor in Interest to General Tire & Rubber Company, Diversitech General, Inc., and Textileather
c/o J.P. Bronsky, Statutory Agent
175 Ghent Road
Fairlawn, Ohio 44313

RON GORNEY
Creekside Auto Parts
160 Tyler Street
Toledo, Ohio 43612

PAUL R. JEFFERS, INC.
f.d.b.a. Jeffers Crane
c/o Harry Levinson
Statutory Agent
955 Spitzer Building
Toledo, Ohio 43604

MAUMEE CHEMICAL
c/o CT Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

OWENS-ILLINOIS, INC.
c/o CT Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

OXFORD PAINT
(Address Unknown)

PEERLESS MOLDED PLASTICS
4338 South Avenue
Toledo, Ohio 43615

R.H. OBERLY COMPANY, INC.
c/o Robert H. Oberly
Statutory Agent
2858 South 109th Street
Toledo, Ohio

SUN REFINING AND MARKETING COMPANY
f.k.a. Sun Oil Company of Pennsylvania and Sun Oil Company
c/o CT Corporation System
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

TELEDYNE CAE
1330 West Laskey Road
Toledo, Ohio 43612

TILLOTSON MANUFACTURING COMPANY (dissolved 8/30/70)
c/o H.R. Schauston
1460 Eleanor Avenue
Toledo, Ohio 43613

TOLEDO BLADE COMPANY
c/o Harry O. Davis
Statutory Agent
541 North Superior Street
Toledo, Ohio 43660

TOLEDO EDISON
Edison Plaza
300 Madison Avenue
Toledo, Ohio 43652

In addition, the City, based on their knowledge of events relating to disposal which occurred at the nearby Dura Avenue Site, has reason to believe that the following persons may be able to supply helpful responses to these requests for information:

ALLIED-SIGNAL, INC.
Successor in Interest to Allied Chemical Corp., Allied Corp., and Allied Chemical and Dye Corporation
c/o CT Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

LEASEWAY TRANSPORTATION CORP.
c/o CT Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

LIBBEY GLASS, INC.
c/o CT Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

MATHER SEAL COMPANY
Successor in Interest to Mather Spring Company and The Mather Company

c/o George N. Bashara
Statutory Agent
c/o Federal Mongul Corporation
2655 Northwestern Highway
Southfield, Michigan 48034

REFINERS TRANSPORT & TERMINAL CORPORATION
c/o CT Corporation System
Statutory Agent
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

R.H. OBERLY COMPANY, INC.
c/o Robert H. Oberly
Statutory Agent
2858 South 109th Street
Toledo, Ohio 43611

U.S. REDUCTION COMPANY
c/o CT Corporation System
815 Superior Avenue, N.E.
Cleveland, Ohio 44114

VALLET PAINT SERVICE CO.
c/o Richard B. Hartley
Statutory Agent
1808 Adams Street
Toledo, Ohio 43624

See also, the persons identified in Appendix A.

Also, another entity which may be able to provide detailed responses or further information regarding the disposal of industrial wastes at Tyler and other Toledo-area locations is:

THE TOLEDO AREA CHAMBER OF COMMERCE
218 North Huron Street
Toledo, Ohio 43604

In approximately 1972, the Toledo Area Chamber of Commerce conducted an Industrial Waste Survey of its members which likely would contain highly relevant information regarding waste streams disposed of by the Toledo industries at various Toledo locations, including Tyler, in the preceding years. Despite the City's efforts, the Chamber of Commerce has been reluctant to release all information learned in this survey. The City requests that the USEPA pursue this information pursuant to its CERCLA authority to request information and documents, including all underlying data, relating to the Chamber of Commerce survey of its members and their industrial waste streams.

4. OHD980509905

5. The City's investigation has revealed the following persons engaged in the following actions with respect to the Tyler Site:

Acme Quality Paints

Oberly picked up industrial waste from Acme Paint and took it to Tyler.

**Browning-Ferris Industries
of Ohio and Michigan, Inc.**
-Community Sanitation Svc.
-Community Sanitation Svc.
of Ohio and Michigan, Inc.

BFIOM transported industrial waste that may have contained hazardous substances from Owens-Illinois, Toledo Blade, and DuPont to Tyler.

Chrysler Corp.
-AMC Corp.
-Jeep Corp.
-Kaiser-Jeep Corp.

Community Sanitation took waste paint from the Jeep Corp. to Tyler.

Dana Corp.

Oberly took industrial waste from Dana Corp. to Tyler. Community Sanitation also took industrial waste to Tyler.

Doehler Jarvis

Oberly took industrial waste from Doehler Jarvis to Tyler. Community Sanitation also took industrial waste to Tyler.

DuPont de Nemours & Co.

Oberly and Community Sanitation picked up industrial waste at DuPont and disposed of a sludge remainder at Tyler.

Dura Corp.

Community Sanitation took waste solvents from Dura Corp. to Tyler. Waste solvents were apparently petroleum based.

Gencorp, Inc.
d.b.a. Gencorp Polymer
Products
-General Tire & Rubber Co.
-Diversitech General,
-Textileather Co.

Oberly picked up methyl ethyl ketone at Textileather and, after it was cleaned by R.H. Oberly distillation process, residue was taken to Tyler.

Maumee Chemical

Oberly picked up sulfuric acid, ether and other industrial wastes from Maumee Chemical and dumped them at Tyler.

Owens-Illinois, Inc.

Community Sanitation picked up waste ink, liquid solvents and paints at Owens-Illinois and disposed of them at Tyler.

Oxford Paint

Oberly picked up industrial waste from Oxford Paint and took it to Tyler.

Paul R. Jeffers, Inc.
-f.d.b.a. Jeffers Crane

A Jeffers Truck hauled waste sludge oil for Sun Oil to Tyler and disposed of it there.

Peerless Molded Plastics

Oberly picked up industrial waste from Peerless Molded Plastics and took it to Tyler.

R. H. Oberly Company, Inc.

Oberly distilled methyl ethyl ketone from Textileather and then shipped it to Tyler via Community Sanitation. Also, Oberly picked up industrial waste from DuPont, Dana Corp., Doehler-Jarvis, Acme Quality Paints, Maumee Chemical, Oxford Paint, Tillotson Manufacturing Co., Peerless Molded Plastics, and GenCorp and disposed of the waste at Tyler.

Sun Refining & Marketing Co.
-Sun Oil Co. of Pennsylvania
-Sun Oil Co.

Sun Oil sludge hauler dumped industrial waste into a pit at Tyler.

Teledyne CAE

Community Sanitation took powdered magnesium in barrels from Teledyne and disposed of it at Tyler. Drivers wore protective masks and gloves when they handled barrels.

Tillotson Manufacturing Co.

Oberly picked up industrial waste from Tillotson Manufacturing Co. and took it to Tyler.

Toledo Blade Co.

Toledo Blade disposed of waste inks at Tyler, transported by Community Sanitation.

Toledo Edison

Toledo Edison dumped transformers at Tyler.

6. The City has not discovered any evidence indicating that it disposed of City hazardous substances at the Tyler Site. Persons who may have knowledge about the handling, transportation, and/or disposal at Tyler are identified in response to Information Request No. 3.
7. The City objects to the overly broad nature of this question, but states that it has not uncovered any information indicating that the City disposed of any hazardous substances at the Tyler Site. See also response to Information Request No. 9.
 - a. The City utilized the Tyler Site for disposal of municipal solid waste. It has also been reported that the City disposed of sewer sludge at Tyler but the City does not have reason to believe that these materials were hazardous. The sewer sludge consisted of sewer screening and grate cleanings. In the event that City wastes disposed of at Tyler contained minute quantities of hazardous

substances, they would be of no significance when compared to the nature and extent of potential contamination caused by hazardous substances possibly disposed of by the industrial PRPs referred to in Information Request No. 5. The City will continue to review its own past disposal practices at the Tyler Site.

- b. See Responses to Information Request Nos. 5 and 7a and the Preliminary Statement.
 - c. See Response to Information Request No. 5 and the Preliminary Statement.
 - d. See the Preliminary Statement.
 - e. See the Preliminary Statement and the Response to Information Request No. 5.
 - f. The City does not have records regarding type or quantity of hazardous substances that may have been disposed at Tyler, but refers the Agency to the response to Information Request No. 5 which may be responsive to this request.
8. The City used the Tyler Site as set forth in the Preliminary Statement and response to Information Request No. 7a, and has not learned of any other arrangements for disposal or transportation by the City. Other persons who may have made such arrangements are identified in response to Information Requests Nos. 3 and 5.
- a. See response to Information Request Nos. 3 and 5.
 - b-c. The City does not have information or records regarding the specific dates arrangements were made for disposal of waste materials nor does it have

information or records regarding the nature of waste material for each transaction or the process for which the material was used. The City does refer the Agency to the Preliminary Statement and the responses to Information Request Nos. 5 and 7a which may be responsive to this request.

- d. See responses to Information Request Nos. 5 and 7a.
- e. See response to Information Request No. 7f.
- f. See Preliminary Statement and documents to be produced by the City in response to this information request.
- g-j. The City does not have information or records, likely in the possession of those identified in responses to Information Request Nos. 3 and 5, regarding persons who selected the Site as the place to send waste materials, amount paid to transporters, intended location of waste material, and transshipping. The City did not receive any payment for the disposal of wastes at the Tyler Site. The City refers the Agency to the response to Information Request No. 5 which may be helpful with regard to this request.
- k-l. Waste materials were disposed of at Tyler by land disposal.
- m. See response the Preliminary Statement and the documents to be produced by the City in response to this information request.
- n-o. The City does not have information or records regarding type and number of waste material containers and the price paid for transport or disposal of each waste material. The City did not receive any payment for the disposal of wastes that the Tyler Site.

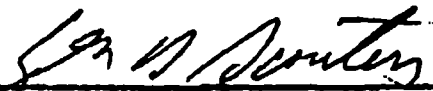
- p. See the documents to be produced by the City in response to this information request.
 - q. See the response to Information Requests Nos. 3, 5, and 6 and Appendix A which identifies persons who may have knowledge or information about the subject matter of this request.
-
- 9. From approximately 1955 to 1968, the Tyler Street Site was used by the City as a municipal landfill where municipal solid wastes were placed for disposal. In addition, private and commercial haulers disposed of industrial and commercial wastes free of charge at the Site. Many of the wastes dumped by private and commercial haulers appear to have contained hazardous substances. See, also, the Preliminary Statement and the response to Information Request Nos. 5 and 7a.
 - 10. The City apparently used the Tyler Site between approximately 1955 and 1968. See the Preliminary Statement. The City will produce any deeds or other documents in its possession upon reasonable request.
 - 11. a-g. See the documents to be produced by the City in response to this request including deeds, maps, drawings, and others.
 - 12. a-g. See the documents to be produced by the City in response to this request.

13. a-c. See the Preliminary Statement and the documents to be produced by the City of Toledo.
14. a-d. See the Preliminary Statement and the response to Information Request No. 5. By virtue of their superior knowledge, control, and actions of depositing waste at the Site, the private firms and commercial haulers acted as de facto operators of the Site.
15. The City possesses no information at this time that indicates a permit of any kind was ever issued with respect to this Site. The City will produce any other permits that it subsequently discovers upon reasonable request.
16. No.
17. The City did not file a notification of hazardous waste activity, but see the response to Information Request No. 4 which lists the City's Hazardous Waste Generator identification number.
18. See the documents to be produced by the City in response to this information request.
19. a-e. The City requests and plans to review the testing data and investigative material gathered by the USEPA, and will then evaluate and plan a course of action

for the Site which is protective of health, safety, and the environment. The City remains committed to cooperate with the USEPA regarding the Site. The City conducts and will continue to conduct testing in the adjacent Ottawa River five times each year.

20. a-g. See response to Information Request Nos. 5 and 7a. See also responses to Information Requests Nos. 3, 5, and 6 and Appendix A for identification of persons who may have knowledge of possible releases. See, also, the Preliminary Statement regarding grading activities conducted by Gorney which breached the cover of the Site. Documents to be produced by the City may provide information that is further responsive to this request.

21. a-d. See Response to Information Request No. 20.


JOHN D. SCOUTEN
Senior Attorney
City of Toledo Department of Law

**APPENDIX A
PART I**

City of Toledo Employees

KEY: **Eq. Op.** - Light Equipment, Heavy Equipment, Bulldozer, or Crane Operator
FD - Fire Department
For. - Division of Forestry
Forem - Foreman (and appropriate division)
GW - Group Worker
L.A. - Landfill Attendant
RTD - Refuse Truck Driver
SCTD - Street Cleaning Truck Driver
SRID - Street Repair Truck Driver
Supt. - Superintendent
TTD - Tandem Truck Driver

APPENDIX A
PART II

Other Persons

**APPENDIX A
PART III**

Service Directors:

| | | | |
|------|---|---------|---------------------|
| 1949 | - | 1954 | Burton R. Mcritchie |
| 1954 | - | 1956 | John L. Alspach |
| 1956 | - | 1959 | William J. Gross |
| 1959 | - | 1960 | Leonard E. Leis |
| 1960 | - | 1965 | Norman R. Drulard |
| 1965 | - | 1971 | Thomas Basich |
| 1971 | - | 1987 | Eugene R. Kasper |
| 1987 | - | 1990 | Thomas R. Hoover |
| 1990 | - | present | Bernard J. Leite |

Commissioners of Division of Streets:

| | | | |
|------|---|------|---------------------|
| 1950 | - | 1952 | Ed Lauber |
| 1952 | - | 1958 | Harry Loucke |
| 1958 | - | 1959 | Armand Hocker |
| 1959 | - | 1960 | Jack Klag |
| 1961 | - | 1965 | Thomas Basich |
| 1966 | - | 1968 | William Egensberger |
| 1968 | - | 1971 | James Cartensen |
| 1971 | - | 1972 | Thomas Basich |

Notes: In May 1973, The Division of Streets was reorganized into the Division of Solid Waste, and the Division of Streets, Bridges & Harbors.

Commissioners of Division of Streets, Bridges & Harbors:

| | | | |
|------|---|---------|------------------|
| 1973 | - | 1978 | Otto Adler |
| 1978 | - | 1982 | Thomas Hoover |
| 1982 | - | 1983 | Gary Krasniewski |
| 1983 | - | 1987 | Mike White |
| 1987 | - | present | Gary Krasniewski |

Commissioners of Division of Solid Waste:

| | | | |
|------|---|---------|-------------------|
| 1973 | - | 1978 | Whit Van Cott |
| 1978 | - | 1985 | Otto Adler |
| 1985 | - | present | Michael J. Justen |

Superintendents of Waste Disposal:

| | | | |
|------|---|---------|-----------------|
| 1960 | - | 1972 | Fred Houck |
| 1972 | - | 1973 | Robert Williams |
| 1973 | - | 1974 | John Modlinski |
| 1974 | - | present | James Grabowski |

STATE OF OHIO
COUNTY OF LUCAS

SS:
AFFIDAVIT OF JOHN D. SCOUTEN, ESQ.

Being duly sworn, affiant states as follows:


1. I am an attorney with the City of Toledo Department of Law.
2. The information used to respond to this information request is the result of a diligent records search. In addition, the City has made a diligent effort to contact and interview past and present employees and other persons that may have knowledge or information relating to the Tyler Street Site.

Further affiant sayeth naught.


John D. Scouten, Esq.

IURAT

Sworn to before me and subscribed in my presence on June 3, 1993.


Notary Public, State of Ohio

My commission expires has no expiration date.

